

SENATE BILL 274

IN THE SENATE

January 27, 1979

Introduced and referred to
Committee on Judiciary.

February 5, 1979

Committee recommend bill,
do not pass.

1 *Sen. Thiessen* BILL NO. *274*
 2 INTRODUCED BY *Thiessen*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 70-18-201, MCA, TO PROVIDE THAT, IN LANDS ACQUIRED BECAUSE
 6 OF ACCRETION OR DERELICTION, THE MINERAL RIGHTS BELONG TO
 7 THE OWNERS OF THE MINERAL RIGHTS IN THE PARCEL OF LAND WHICH
 8 FORMED THE BASIS FOR ACQUIRING TITLE TO THE ACCRETED OR
 9 DERELICTED LAND."

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 70-18-201, MCA, is amended to read:

13 "70-18-201. ~~Attuvion--or--accretion~~ Accretion or
 14 dereliction -- increase of bank. Where (1) Except as
 15 provided in subsection (2), whenever from natural causes
 16 land forms by imperceptible degrees upon the bank of a river
 17 or stream, navigable or not navigable, either by
 18 accumulation of material or by the recession of the stream,
 19 such land belongs to the owner of the bank, subject to any
 20 existing right-of-way over the bank.

21 (2) The mineral rights in land acquired under
 22 subsection (1) after [the effective date of this act] belong
 23 to the owners of the mineral rights in the parcel of land
 24 forming the bank, by virtue of ownership of which parcel of
 25 land title is acquired under subsection (1)."

Approved by Comm.
on Local Government

HOUSE BILL NO. 274

INTRODUCED BY KESSLER, S. BROWN, FAGG, PISTORIA,
O'CONNELL, PALMER, REICHERT, AZZARA, METCALF,
BLAYLOCK, REGAN, RASMUSSEN, TOME

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
7-13-4314, MCA, TO REQUIRE ANNEXATION IF A TRACT IS
RECEIVING WATER, OR SEWER, OR WATER AND SEWER SERVICES FROM
A CITY OR TOWN."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-13-4314, MCA, is amended to read:

"7-13-4314. Annexation as a requirement for receiving
service. (1) Any person, firm, or corporation receiving
water, or sewer, OR WATER AND SEWER service outside of
incorporated city limits may shall be required by the city
or town, as a condition to initiate such service, to consent
to annexation of the tract of property served by the city or
town. The consent to annexation is limited to that tract or
parcel or portion of tract or parcel that is clearly and
immediately, and not potentially, being serviced by the
water, or sewer, OR WATER AND SEWER service.

(2) ~~The city or town may require consent to annex from
anyone, regardless of the distribution system or the type of
district that has been established to provide the~~

~~distribution system, if that system is tied into a
municipally owned water, or sewer, OR WATER AND SEWAGE
treatment plant. The governing body of a special district
shall sign a consent to annexation that is binding upon each
person, firm, or corporation served by the system governed
by that body.~~

~~(3) A person, firm, or corporation receiving water, or
sewer, OR WATER AND SEWER services outside of the
incorporated limits of a city or town as of WHERE SERVICE
COMMENCES ON OR AFTER July 1, 1979, and who continues
service after July 1, 1979, waives any right to protest,
object, or disapprove of annexation by a city or town
providing the service to the tracts that are clearly and
immediately serviced by the WATER, SEWER OR water and sewer
service. A person, firm, or corporation is considered to be
receiving:~~

~~(a) water service from a city or town if the water is
distributed by the city or town or treated in a treatment
plant owned or operated by the city or town;~~

~~(b) sewer service from the city or town if the sewer
service is provided by the city or town or if sewage is
treated in a plant owned or operated by the city or town."~~

-End-